REMARKS

The Final Office Action mailed December 26, 2002, has been received and reviewed. Claims 1 through 4, 6 through 13 and 16 through 21 are currently pending in the application. All claims stand rejected. Applicant proposes to amend claims 1 through 4, 16 through 18, 20 and 21 as previously set forth. All amendments proposed are made without prejudice or disclaimer. Reconsideration is respectfully requested in view of the proposed amendments and remarks herein.

35 U.S.C. § 112, second paragraph, Rejection

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the phrase "said children's vehicle seat both when said children's vehicle seat" is stated to be unclear. Applicant proposes to amend the relevant portion of claim 21 by removing the word "both" therefrom. In view of the proposed amendment, the relevant portion of claim 21 recites "a single wheel assembly attached to said seat portion at a fulcrum point of said children's vehicle seat when said children's vehicle seat is used as a seat and when said children's vehicle seat is used as a stroller". It is respectfully submitted that the relevant portion, as proposed to be amended herein, clearly recites that a single wheel assembly is attached to the seat portion of the children's vehicle seat when it is used as a children's vehicle seat and when it is used a stroller. Accordingly, it is believed that the 35 U.S.C. § 112, second paragraph, rejection of claim 21 has been overcome. Applicant respectfully requests withdrawal of the rejection.

35 U.S.C. § 102 Rejections

A. Applicable Authority

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention

must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

B. Anticipation rejections based on U.S. Patent 5,022,669.

Claims 1 through 4 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,022,669 to Johnson (hereinafter the "Johnson reference"). As the Johnson reference fails to describe, either expressly or inherently, a children's vehicle seat which may be used as both a seat and as a stroller having each and every element as set forth in claims 1 through 4, as proposed to be amended herein, Applicant respectfully traverses the rejection.

As proposed to be amended herein, independent claim 1 recites a children's vehicle seat which may be used as both a seat and as a stroller. The children's vehicle seat of claim 1 comprises a seat portion for supporting a child in a sitting position, the seat portion including a bottom portion having a recess therein, a back portion connected to the seat portion to support a child's back in the sitting position, a *single wheel assembly moveably attached to the seat portion* at a fulcrum point thereof and a handle connected to the back portion for tipping the children's vehicle seat onto the single wheel assembly to a reclined position for pushing or pulling the children's vehicle seat. The single wheel assembly comprises a first wheel and a second wheel. When the children's vehicle seat is used as a seat, a first portion of each wheel extends below the bottom portion of the seat portion and a second portion of each wheel extends into the recess in the bottom portion of the seat portion.

By way of contrast, the Johnson reference describes a child travel seat which may be converted to a stroller having *multiple wheel assemblies* mounted within the base of the travel seat. Each wheel assembly comprises an elongate shaft or axle having the opposed ends thereof secured to lower edge portions of opposed side walls. *See, Johnson reference*, col. 5, lines 11–25. In the preferred embodiment of the Johnson reference, the travel seat includes seven wheel assemblies. However, it is stated that as few as three wheel assemblies can be utilized. *See id.* at col. 5, lines 42–45.

Thus, the Johnson reference fails to describe, either expressly or inherently, a children's vehicle seat which may be used as both a seat and as a stroller comprising, in part, a *single* wheel assembly moveably attached to the seat portion, as recited in independent claim 1, as proposed to be amended herein. Further, the Johnson reference not only fails to disclose a child travel seat/stroller combination unit having a single wheel assembly moveably attached to the seat portion, but the disclosure thereof indicates that such an embodiment would not be desirable. For instance, it is stated in the Johnson reference that the multiple wheel assembly embodiment "is particularly significant in that the resultant rolling support provides advantages normally associated with large diameter wheels without the height of such wheels, the attendant space requirements and the necessity to collapse or otherwise store the wheels." *Johnson reference*, col. 5, line 62–col. 6, line 14. Further, it is stated that having a forward wheel assembly, *i.e.*, one attached to the child travel seat proximate the front edge of the seat portion thereof, aids in moving the child travel seat/stroller combination unit over curbs, bumps, stairs and the like. *See id.* at col. 5, line 68–col. 6, line14. By way of contrast, not only does the children's vehicle seat of claim 1 comprise only a single wheel assembly, the single wheel assembly is attached to the seat portion at a fulcrum point thereof, not proximate the front edge of the seat.

As the Johnson reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 1, as proposed to be amended herein, Applicant respectfully submits that such claim is not and cannot be anticipated by the Johnson reference. Each of claims 2 through 4 depend, either directly or indirectly, from independent claim 1 and thus the Johnson reference does not anticipate these claims for at least the above-cited reasons. As such, Applicant respectfully requests withdrawal of the § 102(b) rejection of claims 1 through 4 based upon the Johnson reference. Each of claims 1 through 4 is believed to be in condition for allowance and such favorable action is respectfully requested.

Independent claim 21, as proposed to be amended herein, recites patentable limitations similar to those recited in independent claim 1. Accordingly, independent claim 21, as proposed to be amended herein, is believed to be in condition for allowance for at least the same reasons as

independent claim 1. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claim 21.

35 U.S.C. § 103(a) Obviousness Rejections

A. Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03, *i.e.*, in order "to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success in combining the references. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the examiner. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 22y USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). See also MPEP § 706.02(j) and § 2142.

The Supreme Court has established the standard of patentability to be applied in obviousness rejections in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). This standard has been summarized in MPEP § 2141 into four factual inquiries including "(A) determining of the scope and contents of the prior art; (B) ascertaining the differences between the prior art and the claims in issue; (C) resolving the level of ordinary skill in the pertinent art; and (D) evaluating evidence of secondary considerations." It should be noted that, when applying the required patentability standards of Graham, the basic considerations which apply to obviousness rejections based on 35 U.S.C. § 103 should include the following principles of patent law: "(A) the claimed invention must

be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined." *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

B. Obviousness rejections over the Johnson reference in view of U.S. Patent 4,537,414.

Claims 6 through 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Johnson reference in view of U.S. Patent 4,537,414 to Nusbaum (hereinafter the "Nusbaum reference"). Applicant respectfully submits that a *prima facie* case of obviousness of claims 6 through 8 cannot be established based upon the asserted combination of references as the Johnson reference in view of the Nusbaum fails to teach or suggest all of the limitations of claims 6 through 8. Accordingly, Applicant respectfully traverses the rejection.

Each of claims 6 through 8 depend, either directly or indirectly, from independent claim 1. Independent claim 1, as proposed to be amended herein, was discussed hereinabove. The Johnson reference was also discussed hereinabove. As previously stated, the Johnson reference fails to disclose a children's vehicle seat which may be used as both a seat and as a stroller comprising, in part, a *single* wheel assembly moveably *attached to the seat portion*, as recited in independent claim 1, as proposed to be amended herein. Further, the Johnson reference indicates that such an embodiment would not be desirable.

The Nusbaum reference also fails to teach or suggest a children's vehicle seat which may be used as both a seat and as a stroller comprising, in part, a single wheel assembly moveably attached to the seat portion. Rather the Nusbaum reference does not teach a wheel assembly at all but rather teaches a combination car seat and stroller having front wheels 33, 34 and rear wheels 38, 39. *See, Nusbaum reference*, col. 3, lines 25–46; FIGs. 2 and 3. Further, the wheels of the Nusbaum reference are not attached to the seat portion but rather to a base. *See id.*

Accordingly, Applicant respectfully submits that the Johnson reference in view of the Nusbaum reference fails to teach or suggest all of the limitations of independent claim 1, as proposed to be amended herein. Accordingly, a *prima facie* case of obviousness of independent claim 1 cannot be established based upon the asserted combination of references. As each of claims 6 through 8 depends, either directly or indirectly, from independent claim 1, Applicant respectfully submits that a *prima facie* case of obviousness cannot be established for these claims based upon the asserted combination of references. *See*, *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1998) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6 through 8. Each of claims 6 through 8 is believed to be in condition for allowance and such favorable action is respectfully requested.

C. **Obviousness Rejections over the Johnson reference in view of U.S. Patent 2,990,190.**

Claims 9 through 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Johnson reference in view of U.S. Patent 2,990,190 to Eriksen (hereinafter the "Eriksen reference"). Applicant respectfully submits that a *prima facie* case of obviousness of claims 9 through 13 cannot be established based upon the asserted combination of references as the Johnson reference in view of the Eriksen reference fails to teach or suggest all of the limitations of claims 9 through 13. Further, one of ordinary skill in the art would not be motivated to combine the references as asserted. Accordingly, Applicant respectfully traverses the rejection.

Each of claims 9 through 13 depend, either directly or indirectly, from independent claim 1. Independent claim 1, as proposed to be amended herein, was discussed hereinabove. The Johnson reference was also discussed hereinabove. As previously stated, the Johnson reference fails to disclose a children's vehicle seat which may be used as both a seat and as a stroller comprising, in part, a single wheel assembly moveably attached to the seat portion, as recited in independent claim 1, as proposed to be amended herein. Further, the Johnson reference indicates that such an embodiment would not be desirable.

The Eriksen reference also fails to teach or suggest a children's vehicle seat which may be used as both a seat and as a stroller comprising, in part, a single wheel assembly moveably attached to the seat portion thereof. Rather, the Eriksen reference teaches a chair support for infants that may be used to provide support in an automobile or that may be mounted to a companion wheel carrier for movement. *See, Eriksen reference*, col. 1, lines 49–53. The companion wheel carrier, which includes a pair of wheels attached thereto, and the chair support unit are separate components which may be attached to one another when used for wheeled movement. Thus, the chair support unit does not include a single wheel assembly moveably *attached to the seat portion thereof.*

Further, one of ordinary skill in the relevant art would not be motivated to combine the references as asserted. The Johnson reference teaches a child travel seat which may be converted to a stroller without complex wheel manipulation. *See, Johnson reference*, col. 1, lines 42–46. The wheel assemblies of the Johnson reference are permanently positioned on the child travel seat to provide expedient conversion. *See id.* at col. 1, lines 62–66. The Eriksen reference, on the other hand, teaches a chair support for infants wherein the wheels are attached to a separate unit removable from the chair support when the unit is converted from a stroller to a vehicle seat. One of ordinary skill in the art would not have been motivated to modify the teachings of the Johnson reference with those of the Eriksen reference as asserted as the Eriksen reference teaches a separable unit and the Johnson reference specifically relates only with units that do not require complex wheel manipulation.

In view of the above, Applicant respectfully submits that a *prima facie* case of obviousness of independent claim 1, as proposed to be amended herein, cannot be established based upon the asserted combination of references. As each of claims 9 through 13 depends, either directly or indirectly, from independent claim 1, Applicant respectfully submits that a *prima facie* case of obviousness cannot be established for these claims as well. *See, In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1998) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 9 through 13.

Each of claims 9 through 13 is believed to be in condition for allowance and such favorable action is respectfully requested.

D. Obviousness rejections over the Johnson reference in view of U.S. Patent 2,661,959.

Claims 16 through 18 stand rejected under 35 U.S.C. § 101(a) as being unpatentable over the Johnson reference in view of U.S. Patent 2,661,959 to Bell (hereinafter the "Bell reference"). Applicant respectfully submits that a *prima facie* case of obviousness of claims 16 through 18 cannot be established based upon the asserted combination of references as the Johnson reference in view of the Bell reference fails to teach or suggest all of the limitations of claims 16 through 18. Further, one of ordinary skill in the art would not be motivated to combine the references as asserted. Accordingly, Applicant respectfully traverses the rejection.

Independent claim 16, as proposed to be amended herein, recites a mobile children's seat which may be used as both a seat and as a stroller. The mobile children's seat comprises a children's seat having a seat portion for supporting a child in a seated position and a back portion for supporting the child's back in the seated position. The mobile children's seat of claim 16 further comprises a *single wheel assembly moveably attached to the children's seat* along a fulcrum point of the mobile children's seat for rolling the mobile children's seat along a surface when the children's seat is in a tipped position. A portion of the single wheel assembly is configured to contact a support surface when the mobile children's seat is used as a seat and when the mobile children's seat is used as a stroller. Still further, the mobile children's seat of claim 16 comprises a handle assembly integrated with the back portion of the children's seat for tipping the children's seat onto the single wheel assembly along the fulcrum point and pushing or pulling the mobile children's seat.

The Johnson reference was discussed hereinabove. As previously stated, the Johnson reference fails to teach or suggest a mobile children's seat which may be used as both a seat and as a stroller comprising, in part, a single wheel assembly moveably attached to the children's

seat, as recited in independent claim 16, as proposed to be amended herein. Further, the Johnson reference indicates that such an embodiment would not be desirable.

The Bell reference also fails to teach or suggest a mobile children's seat which may be used as both a seat and a stroller comprising, in part, a single wheel assembly moveably attached to the children's seat. Rather, the Bell reference teaches a two-wheel child's carriage in which a child's seat may be removed from a wheeled "vehicle" when the child's seat is to be used in an automobile. *See, Bell reference*, col. 1, line 5–col. 2, line 6. The "vehicle" includes a fixed axle extending across the rear thereof and a pair of wheels mounted on the axle. *See id.* Thus, the wheels and axle are not attached to the children's seat but rather to the "vehicle" which may support the seat or from which the seat may be removed.

Further, one of ordinary skill in the relevant art would not be motivated to combine the references as asserted. The Johnson reference teaches a child travel seat which may be converted to a stroller without complex wheel manipulation. *See, Johnson reference*, col. 1, lines 42–46. The wheel assemblies of the Johnson reference are permanently positioned on the child travel seat to provide expedient conversion. *See id.* at col. 1, lines 62–66. The Bell reference, on the other hand, teaches two-wheel child's carriage in which the child's seat may be removed from a wheeled "vehicle" when the child's seat is to be used in an automobile. One of ordinary skill in the art would not have been motivated to modify the teachings of the Johnson reference with those of the Bell reference as asserted as the Bell reference teaches a separable unit and the Johnson reference specifically relates only with units that do not require complex wheel manipulation.

In view of the above, Applicant respectfully submits that a *prima facie* case of obviousness of independent claim 16, as proposed to be amended herein, cannot be established based upon the asserted combination of references. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of this claim. Further, as each of claims 17 and 18 depends, either directly or indirectly, from independent claim 16, Applicant respectfully submits that a *prima facie* case of obviousness cannot be established for these claims as well. *See, In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1998) (a dependent claim is obvious only if

the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 17 and 18. Each of claims 16 through 18 is believed to be in condition for allowance and such favorable action is respectfully requested.

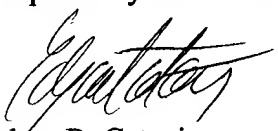
E. Obviousness rejections over the Johnson reference in view of the Bell reference and further in view of the Nusbaum reference.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Johnson reference in view of the Bell reference and further in view of the Nusbaum reference. Each of claims 19 and 20 depend directly from claim 16. As previously stated, a *prima facie* case of obviousness cannot be established for independent claim 16, as proposed to be amended herein. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness cannot be established for claims 19 and 20 as well. *See, In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1998) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 19 and 20 for at least the above-cited reasons. Each of claims 19 and 20 is believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

Claims 1 through 4, 6 through 13, and 16 through 21 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact applicant's undersigned attorney.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A children's vehicle seat which may be used as both a seat and as a stroller, comprising:

a seat portion for supporting a child in a sitting position, said seat portion including a bottom portion having a recess therein;

a back portion connected to said seat portion to support a child's back in said sitting position;

a single wheel assembly moveably attached to said seat portion at a fulcrum point thereof, said single wheel assembly comprising a first wheel and a second wheel ~~at least one wheel attached to said seat portion at a fulcrum point of said children's vehicle seat~~, a first portion of each of said ~~at least one~~ first wheel and said second wheel extending below said bottom portion of said seat portion and a second portion of each of said ~~at least one~~ first wheel and said second wheel extending into said recess in said bottom portion of said seat portion when said children's vehicle seat is used as a seat; and

a handle connected to said back portion for tipping said children's vehicle seat onto said ~~at least one~~ single wheel assembly to a reclined position for pushing or pulling said children's vehicle seat.

2. (Amended) The children's vehicle seat of claim 1, wherein said ~~at least one~~ single wheel assembly further comprises~~:~~ an axle moveably attached to said seat portion of said children's vehicle seat~~;~~, wherein said ~~a~~ first wheel is attached to a first end of said axle~~;~~ and said ~~a~~ second wheel is attached to a second end of said axle, said ~~first wheel, said axle, and said second~~ single wheel assembly for rolling said children's vehicle seat in said reclined position.

3. (Amended) The children's vehicle seat of claim 2, wherein said ~~at least one~~ single wheel assembly further comprises a locking mechanism for securing said axle for preventing said movement thereof.

4. (Amended) The children's vehicle seat of claim 2, wherein said ~~at least one~~ single wheel assembly further comprises a locking mechanism for securing at least one of said first wheel ~~or~~ and said second wheel from rolling.

16. (Twice Amended) A mobile children's seat which may be used as both a seat and as a stroller, comprising:

a children's seat having a seat portion for supporting a child in a seated position and a back portion for supporting said child's back in said seated position;

a single wheel assembly moveably attached to said children's seat along a fulcrum point of said mobile children's seat for rolling said mobile children's seat along a surface when said children's seat is in a tipped position, a portion of said single wheel assembly being configured to contact a support surface ~~both~~ when said mobile children's seat is used as a seat and when said mobile children's seat is used as a stroller; and

a handle assembly integrated with said back portion of said children's seat for tipping said children's seat onto said single wheel assembly along said fulcrum point and pushing or pulling said mobile children's seat.

17. (Amended) The mobile children's seat of claim 16, wherein said single wheel assembly comprises:

a first wheel attached to a first side of said seat portion along said fulcrum point of said mobile children's seat; and

a second wheel attached to a second side of said seat portion along said fulcrum point of said mobile children's seat, said first wheel and said second wheel being directly opposite one another.

18. (Amended) The mobile children's seat of claim 17, wherein said single wheel assembly further comprises an axle along said fulcrum point connecting said first wheel and said second wheel.

20. (Amended) The mobile children's seat of claim 16, wherein said single wheel assembly and said handle assembly are separable from said children's seat.

21. (Amended) A children's vehicle seat which may be used as both a seat and as a stroller, comprising:

a seat portion for supporting a child in a sitting position, said seat portion including a bottom portion having first and second side edges thereof;

a back portion connected to said seat portion to support a child's back in said sitting position;

a single wheel assembly ~~at least one wheel~~ attached to said seat portion at a fulcrum point of said children's vehicle seat ~~both~~ when said children's vehicle seat is used as a seat and when said children's vehicle seat is used as a stroller, said single wheel assembly having at least one wheel ~~being~~ which is positioned inward toward a center of said seat portion from ~~both~~ said first and second side edges of said bottom portion; and

a handle connected to said back portion for tipping said children's vehicle seat onto said at least one wheel to a reclined position for pushing or pulling said children's vehicle seat.